

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4, 5, 8, 9, 11, and 12 are pending, with Claims 1 and 8 being independent.

Claims 3 and 10 have been cancelled without prejudice. Claims 1 and 8 have been amended.

### REQUEST FOR RETURN OF FORM PTO-1449

Applicant respectfully notes that the last item ("June 20, 2007 Chinese Official Action (with English language partial translation)") on the June 28, 2007 Information Disclosure Citation Form (Form PTO-1449) was not initialed, and Applicant respectfully requests that the Examiner initial the same to confirm consideration of that document.

### FURTHER REMARKS

Claims 1 through 5 and 8 through 12 were variously rejected under 35 U.S.C. §§ 102 and 103 over Japanese Patent Publication No. 2000-041218 (Kato, et al.) taken alone or in view of Official Notice. All rejections are respectfully traversed.

Claims 1 and 8 recite, *inter alia*, generating a packet including additional data and the digital video data if the digital video data is reproduced from the storage medium at a normal speed, and generating a packet including the additional data but not including the digital video data if the digital video data is reproduced from the storage medium at a special speed, with additional data as claimed.

However, Applicant respectfully submits that neither Kato, et al., nor Official Notice, even in the proposed combination, assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 8. The Official Action relies at page 3, 2<sup>nd</sup> full paragraph, with respect to Claim 3, upon paragraphs 0047, 0053, and Claim 1 of Kato, et al. However, Applicant respectfully submits that such is silent at least as regards the above-discussed claimed features. Further, the Official Notice is respectfully traversed in the absence of a cited reference showing the specific features of the claims against which it was applied. MPEP 2144.03.

Applicant further submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicant  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

DSCGjjr

FCHS\_WS 20B9400v1